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Steven M. Hoffberg, Esq.
MILDE & HOFFBERG, LLP
Suite 460
10 Bank Street
White Plains, NY 10606

EXAMINER
SHIH, HAOSHIAN

ART UNIT	PAPER NUMBER
2173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/791,019	SHEPHERD ET AL.
		Examiner	Art Unit	
		HAOSHIAN SHIH	2173	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02/05/2009</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-21</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>20090309</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 are pending in this application and have been examined.

2.   This action is in response to the Amendment filed 09/24/07 and the appeal brief

filed on 02/05/2009.

Reopening of Prosecution after Appeal

3.   In view of the appeal brief filed on 02/05/2009 PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

        To avoid abandonment of the application, appellant must exercise one of the

following two options:

        (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

        (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

        A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

        /William L. Bashore/
        Supervisory Patent Examiner, Art Unit 2175.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6.   Claim 1 recites: "or a normal browser is to be employed" There is no mention in the original specification of employing a normal browser.   Further in accordance to the application specification Pub. No. US 2004/0230825 A1, par. [0034], [0035], [0042] and [0048], that a secure browser is deployed **from** a regular/normal browser based on the specified MIME file type that triggers the secure browser.   Thus, the limitation includes subject matter that was not described in the original specification.

If the examiner has overlooked the portion of the original specification that describes the feature of the present invention, then applicant should point it out (by page number and line number) in the response to this office action.

Applicant may obviate this rejection by canceling the claim.

7.   Claim 9 is rejected similarly as claim 1 above. Further the limitation "insecure

browser" is not mentioned in the original specification.

8.   Claims 2-8 and 10-21 are rejected similarly as set forth above.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

10.   Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated

by Winneg et al. (Winneg, US 7,069,586 B1).

11.   As to **INDEPENDENT** claim 1, Winneg discloses a secure user interface method,

for interacting with a user through a browser, comprising:

controlling the browser (col.4, lines 3-5) to request a document from a

cooperative server (col.2, lines 15-17; course material documents are available on-line,

and is navigable via a browser application such as Microsoft internet explorer), the
browser providing data export support functionality (fig.1, "116").

receiving data with the browser in response to the request (fig.2); automatically
determining, based on a received data encoding type, whether a secure browser or a
normal browser is to be employed (col.9, lines 45-47, lines 53-55; col.10, lines 10-13;
col.19, lines 62-65; a user sends a request to take an exam from a normal browser, the
"exam taking application" determines and initiates a secure execution of a secure
browser based on the user request, during the secure browser, unauthorized content
cannot be executed successfully; fig.13, "179", fig.14, "228"; upon the termination of the
secure browser, the system is restored back to its original/non-secure state), the secure
browser having a set of functionality restricted with respect to the normal browser, to
enhance security of a received document against data export (col.15, lines 56-61;
customized template that prevents the user from initiate any external processes);
receiving the secure content for presentation in the secure browser; and communicating
an input from the user, through the secure browser, to a cooperative server (col.26,
lines 6-10; a "password" is required to access the "secure content").

12.   As to claim 2, Winneg discloses the step of limiting access of a user, with the
secure browser, to documents outside of a specified set (col.16, lines 50-55;
unauthorized contents are disabled from the display).

13.   As to claim 3, Winneg discloses the step of authenticating the secure browser, to assure that the secure browser having the restricted set of functionality is available for presentation of secure content (col.15, lines 63-65; "customized template").

14.   As to claim 4, Winneg discloses the secure browser lacks one or more of the following functions: print, save, cache, cut and copy (col.22, lines 52-59; "prevent the student from copying the information in the buffer to another location).

15.   As to claim 6, Winneg discloses the secure browser restricts termination of execution of the secure browser (col.21, lines 28-33).

16.   As to claim 7, claim 7 incorporates substantially similar subject matter as claimed in claim 6, and is rejected under the same rationale.

17.   As to claim 8, claim 8 is a computer readable media claim of claim 3; it is rejected under similar rationale.

18.   As to **INDEPENDENT** claim 9, claim 9 incorporates substantially similar subject matter as claimed in claim 1, and is rejected under the same rationale.

19.   As to claim 10, Winneg discloses the secure browser provides restricted navigational functionality with respect to the navigational functionality of the insecure browser alone (col.12, lines 46-55).

20.   As to claim 11, claim 11 incorporates substantially similar subject matter as claimed in claim 2, and is rejected under the same rationale.

21.   As to claim 12, Winneg discloses the step of authenticating the secure browser at a remote server prior to presenting the secure content to ensure that the content will only be delivered in the secure browser (fig.8, "146", "158").

22.   As to claim 13, Winneg discloses the secure browser prevents use of the following functions: save, copy, and navigate to unrestricted documents (col.11, 35-39;col.12, lines 52-53; disabling certain user input actions, (e.g., keyboard strokes, mouse clicks) and limiting navigation to only the application window).

23.   As to claim 14, claim 14 incorporates substantially similar subject matter as claimed in claim 6, and is rejected under the same rationale.

24.   As to claim 15, Winneg discloses the secure browser is initiated based on a type encoding of the received data (col.21, lines 13-15).

25.   As to claim 16, claim 16 incorporates substantially similar subject matter as

claimed in claim 1, and is rejected under the same rationale.

26.   As to claim 17, Winneg discloses the secure browser is granted principal

application level control over graphic user interface inputs from a user (col.12, lines 47-

52).

27.   As to claim 18, Winneg discloses the secure browser is granted exclusive control

over graphic user interface functionality when invoked (col.12, lines 47-52).

28.   As to claim 19, Winneg discloses the step of authenticating the server by the

secure browser prior to presenting the secure content (col.8, lines 40; "login").

29.   As to claim 20, claim 20 is a computer readable media claim of claim 6; it is

rejected under similar rationale.

Claim Rejections - 35 USC § 103

30.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

**31.   Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Winneg in view of Chang et al. (Chang, US 2002/0097416 A1).**

32.   As to claims 5 and 21, Winneg does not disclose the secure browser renders text
information as graphic objects.

In the same field of endeavor, Chang discloses renders text information as graphic
objects (fig.1A, 110, 150; "raster"; [0079]).

It would have been obvious to one of ordinary skill in the art, having the teaching of
Winneg and Chang before him at the time the invention was made, to modify the secure
browser interface taught by Winneg to include text conversion taught by Chang with the
motivation being to provide an intended output data format without burdening the user
with the possibility of installing additional drivers/applications/fonts to properly display
the output data (Chang, [0019]).

Response to Arguments

33.   Applicant's arguments filed 03/26/2008 have been fully considered but they are
not persuasive.

34.   Applicant argues that Winneg does not disclose "automatically determining,
based on a type encoding of the received data...".

In response to applicant's argument, the argued limitation "...based on a type encoding of the received data..." is not in the claim, the Examiner assumes the applicant is arguing that Winneg does not disclose "automatically determining, based on a received data encoding type...". Winneg discloses a user entering data in a text format (col.9, lines 45-48) in a browser, after the data is received, the data is processed and encoded in machine language, the encoded data is then used to launch a secure exam taking application/browser (col.4, lines 3-5; col.9, lines 49-59).

35.   Applicant argues that Winneg does not disclose that a normal or insecure mode is also selectively available.

In response to applicant's argument, Winneg discloses entering a secure mode as selected by a user (col.10, lines 10-13) indicated that the user could choose to enter a secure mode to take an exam or stay in the current normal mode and not take the exam.

36.   Applicant argues that Winneg and Chang do not disclose the secure browser renders text information as graphic objects because Chang only disclose a rasterizer that services all applications on a device.

In response to applicant's argument, the claimed limitation does not limit the feature of

rendering text information as graphic objects to **only** to the secure browser. Winneg

discloses a secure browser (col.4, lines 3-5), Chang discloses converting text object to

graphic objects in order to ensure a consistent data display across a plurality of devices

wherein a dedicated device or additional software are needed (Chang, [0025]) in order

to provide an intended output data format without burdening the user with the possibility

of installing additional drivers/applications/fonts to properly display the output data

(Chang, [0019]).

Conclusion

37.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

/Kieu D Vu/
Primary Examiner, Art Unit 2175